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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,828	06/16/2000	Sami Ala-Luukko	2132-32PCON	2745

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EXAMINER

MAIS, MARK A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,828

Applicant(s)

ALA-LUUKKO ET AL.

Examiner

Mark A Mais

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2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on June 16, 2000 together with the current Application. The submission is in compliance with the provisions of 37 CFR 1.56 and 1.97. Accordingly, the examiner considered the information disclosure statement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suominen et al. (WO 97/44943) in view of Schmid (USP 5,887,249).

~~-(1,5)~~ ~~-(9,10)~~ ~~-(21,22)~~ ~~-(26,27)~~

5. With regard to claims 1, 3-6, 8-12, 15, 18, 20-23, and 25-29, Suominen et al. discloses a system and method of modifying and transmitting one of intelligent network service data/service parameters (**call diversion, knocking, blocking, page 1, lines 7-16**) in a telecommunication system telephone system (**telephone network; Fig. 1, Application 14 connects the data network to the telephone network (not shown), see also page 9, claim 4**) connected through a

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second telecommunications network (**Fig. 1, TCP/IP network 5 or data network 5'**) by connecting the second telecommunications network (**Fig. 1, data network 5 or 5'**) to the service logic and service data of the SCP (**Fig. 1, control server 9**) and/or SDP (**Fig. 1, database means 10**) via a gateway (**fig. 1, network server 8**) and modifying (**inherently through a write operation on the contents of database means 10, Fig. 1**) service data/service logic (**call diversion, knocking, blocking, page 1, lines 7-16**) of the SCP/SDP using the 2nd network's protocol.

6. Suominen et al do not specifically disclose modifying the service data/service logic using the 2nd network's protocol. However, Schmid discloses using the two different protocols: the telecommunication protocol (**cell system and activation system communicate using X.400 protocol running on top of TCP/IP, col. 9, lines 29-37**) and the second telecommunication network's protocol (**digital mobile telephone standards IS-55B and IS-136, see also col. 4, lines 50-60**). The wireless terminal transmits a SMS to the cell system and activation system (**col. 2, lines 54-58**) and can integrate this type of SMS messaging into an intelligent network (**col. 11, lines 12-13**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the functionality of Suominen et al. in changing the service data/service logic of one intelligent network (**telecommunications telephone system**) with the ability to use multiple protocols when being accessed by different networks such as the one disclosed in Schmid because the multiple protocols used in Schmid would allow more functionality for wireless terminals and allow users to change their service data/service logic using SMS.

7. With regard to claim 2, 7, 19 and 24, Schmid discloses a gateway which performs a conversion from SMS to X.400 running on top of TCP/IP (**col. 9, lines 29-37**). Furthermore, Karhapaa et al. (WO 97/16007) discloses the general state of the art with respect to a gateway: it adapts two different protocols to each other (**page 2, lines 18-21**).

8. With regard to claim 12 and 29 Schmid discloses returning an acknowledgement message from the SDP to the gateway once the service data/service logic change is completed, and sending the message to the terminal device (**col. 8, lines 25-47**).

9. With respect to claims 13, 14 30, and 31, Suominen et al. discloses a record in database means 10 (**Fig. 1**) that is identified to be modified. Suominen et al. does not specifically disclose using a calling subscriber number of the text message transmitted by the terminal device to do so. However, Schmid discloses using the contents of the text (SMS) message to identify the soon-to-be-modified record (**ESN, col. 5, lines 12-19; initial ID, col. 3, lines 6-7**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Suominen et al. to use the text (SMS) message disclosed in Schmid because using the multi-protocol approach, as explained above, allows the cell system to more functionality.

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10. Claims 16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suominen et al. and Schmid as applied to claims 1-15, and 18-32 above, further in view of Alanara (USP 6,064,880).

11. With respect to claims 16 and 33, Suominen et al. does not specifically disclose that the information transmitted between the terminal device and the gateway is transmitted using USSD protocol. However, Alanara discloses that USSD can be interchanged with SMS for different digital mobile telephone protocols (**col. 7, lines 25-39**). It would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the protocol used in Suominen et al. with the protocols described in Alanara (USSD) because Alanara discloses that the invention, while using the IS-136 standard, can also be readily interchanged with the messaging and data transfer capabilities of other systems--specifically, USSD.

12. Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suominen et al. and Schmid as applied to claims 1-15, and 18-32 above, further in view of Kingdon et al. (USP 6,088,594).

13. With respect to claims 17 and 34, Suominen et al. does not specifically disclose that the information transmitted between the terminal device and the gateway is transmitted using WAP protocol. However, Kingdon et al. discloses that WAP is a protocol that can be used, instead of SMS or USSD (**col. 3, lines 13-30**), with different digital mobile telephone protocols (**col. 3,**

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lines 39-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the protocol used in Suominen et al. with the protocol used on Kingdon et al. because the WAP protocol overcomes the deficiencies of both SMS and USSD, wherein they can only support short text messages, and, the WAP protocol can support the use of higher data rates (e.g. graphics).

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Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (703) 305-6959. The examiner can normally be reached on 8:00-4:30.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-6182.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

November 18, 2003



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
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